

REMARKS

Claims 1-36 are pending in this application. No amendment has been made herein.

Regarding finality of the Office action.

The Examiner indicates in point no. 7 of the Office action that "Applicant's amendment necessitated the new grounds of rejection in this Office action" and therefore has made the action final. Applicants note that the two rejections in the present Office action cite the Blanco reference, which was only cited in the rejection of claims 18-25 under 35 U.S.C.103(a) in the previous Office action. The Reinherz reference is newly cited.

However, the only amendment to independent claim 1 in the Amendment dated January 13, 2003, was to amend "an intermediate glass layer of glass", thereby removing a slight redundancy in the wording of the claim. Applicants submitted that this amendment was made for clarity only, as stated on page 6, line 4 of the Amendment.

Applicants therefore respectfully submit that the present Office action is prematurely final, and Applicants request reconsideration and withdrawal of the finality of the Office action.

Claims 1-13, 15-21, 23-27, and 28-36 are rejected under 35 U.S.C. 102(b) as being anticipated over Blanco et al. (United States Patent No. 3,956,558) (Office action point no. 2)

The rejection of claims 1-13, 15-21, 23-27 and 28-36 is respectfully traversed, and reconsideration of the rejection is respectfully requested.

Blanco relates to the decalcomania having a protective layer formed of a low melting point

glass for protecting the design layer (pigment layer) (col. 1, lines 11-15; col. 4, lines 4-8).

Applicants note that the Examiner does not state which element in Blanco et al. corresponds to the recited “intermediate glass layer” of the present invention, but that it appears that the Examiner has taken Blanco et al.’s low melting glass layer as corresponding to this component. However, the low melting glass layer of Blanco et al. is disposed over (above) the pigment layer (col. 4, lines 11-18; lines 23-37), and is therefore totally different from the intermediate glass layer disposed below the pigment layer according to the present invention, as disclosed in paragraph [0042]..

Applicants also note that the Examiner’s summary of the teaching of Blanco et al. in lines 3-8 of point no. 2 of the Office action appears to be incorrect. Lines 3-5 state: “... a vitreous surface (glaze layer) comprising paper backing sheet with a water-soluble gum/adhesive layer” Lines 6-8 state: “..., an intermediate protective glass layer over the design layer and adhered to the ceramic glazed ware (glazing layer on a ceramic substrate)”.

As summarized by the Examiner, the decalcomania of Blanco et al. would be as shown attached Fig. A, i.e., the protective layer of low-melting point glass is adhered to the surface of a ceramic ware (or glazing ware thereof).

However, the transcription of the decalcomania in Blanco et al. does **not** proceed as such. Rather, it proceeds with a wetting layer disposition as shown by attached Fig. B. The backing sheet (paper) is removed by wetting (softening) the adhesive layer with water and the design layer (color pigment layer) is laid-down immediately onto the ceramic ware, so as to allow the protective layer to be disposed **over** (above) the design layer.

Therefore, Applicants respectfully submit that the Examiner’s summary of “a vitreous

surface (glaze layer) comprising paper backing sheet ...” is a misrepresentation of the teaching of Blanco et al.

Accordingly, Blanco et al. does not disclose or suggest the present invention.

Further, in the third paragraph of page 3 of the Office action, the Examiner states: “Blanco states the glass coating thickness to the design layer thickness ratio is 1:1 to 3:1/2:1 to at col 30-36 [[sic], should be column 7, lines 30-36], meeting Applicant’s ranges.” Applicants note, however, that the glass coating thickness here refers to Blanco’s “protective glass coating” and does not correspond to the intermediate glass layer of the present invention. The design layer of Blanco would amount to a range of 2-28 μm , at maximum, as calculated from the disclosure of Blanco, col. 7, lines 28-37. In contrast, the thickness range of the design layer in the present invention is 50 - 200 μm (claim 13), which is far different. Applicants also note that Blanco et al.’s disclosure in, col. 8, lines 49-55, cited by the Examiner, has nothing to do with the claimed design layer thickness of the present invention (claims 2, 13, 21, 28).

Further, in the fifth paragraph on page 3 of the Office action, the Examiner remarks: “The limitation “in-glaze coloring/decoration” is a process limitation in a product claim.” Applicants respectfully disagree. This is a limitation of the product which defines the **structure/disposition** of the **layers**. The difference between “**inglaze** ceramic ware” and “**overglaze** ceramic ware”, which is well known in the art, is based on the difference in the layer disposition of the “glaze layer” with respect to the design layer.

Applicants therefore submit that claims 1-13, 15-21, and 23-36 are not anticipated by Blanco et al. (United States Patent No. 3,956,558).

Claims 14 and 22 are rejected under 35 U.S.C. 103(a) as unpatentable over Blanco et al. in view of Reinherz (United States Patent No. 4,892,847) (Office action point no. 3).

The rejection of claim 14 and 22 is respectfully traversed, and reconsideration of the rejection is respectfully requested.

Applicants have argued above that claims 1-13, 15-21, and 23-36 are not anticipated by Blanco et al. In particular, Blanco et al. differs considerably in structure from the present invention and does not disclose the “intermediate glass layer” of independent claim 1 or the “glass layer or layers formed between said adhesive layer and said raised coloring material layer” of independent claim 18. Applicants submit that there is no suggestion in Blanco et al. for the structure recited in the present claims.

Reinherz is cited for disclosing lead-free glass frit compositions. The Examiner combines Blanco et al. with Reinherz by “modifying the ceramic decal of Blanco to exclude lead” This apparently refers to Blanco’s “design layer”. However, even if this substitution were made, the combination would fail to meet the limitations of the present claims, since there is no suggestion in Reinherz for the structure recited in the present claims.

Applicants therefore submit that claims 14 and 22 are novel and non-obvious over Blanco et al. and Reinherz, taken separately or in combination.

Response under 37 CFR 1.116
Hiromichi HAYASHI et al.

U.S. Patent Application Serial No. 09/892,895
Attorney Docket No. 010845

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosures: Figs. A and B (1 page)

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図 1 Fig. A

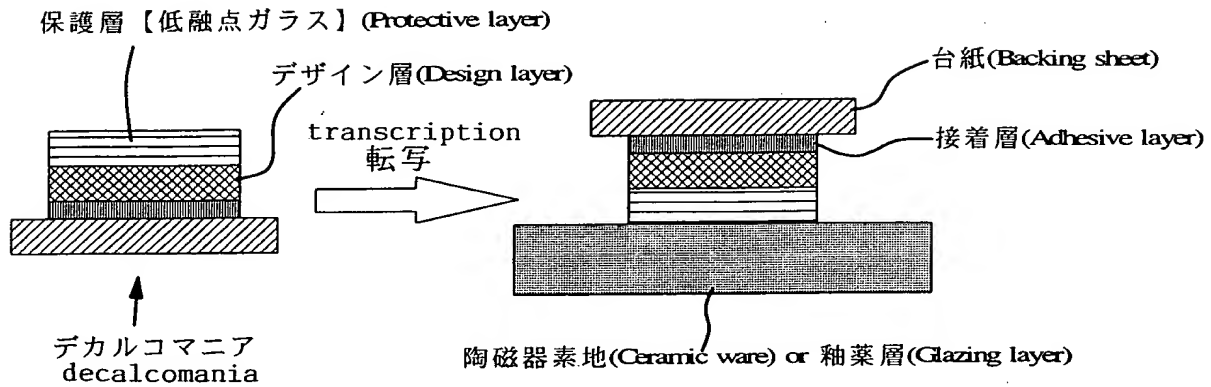


図 2 Fig. B

